

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

ALL CASES

THIS DOCUMENT RELATES TO:

All End-Payor Actions
All Auto Dealer Actions
All Truck and Equipment Dealer Actions
All State of Indiana Actions

Case No. 2:12-md-02311

Honorable Marianne O. Battani
Magistrate Mona K. Majzoub

**PARTIES' UNOPPOSED MOTION FOR ENTRY OF ORDER REGARDING GM'S
VEHICLE PRICING DOCUMENTS IN ALL END-PAYOR, AUTO DEALER, TRUCK
AND EQUIPMENT DEALER, AND STATE OF INDIANA ACTIONS**

The Parties¹ respectfully submit this unopposed motion to enter the Order Denying General Motor's Objection to the Master's Orders Compelling Production of Certain Confidential Commercial, Trade Secret Pricing Documents and Denying Certain Defendants' Objections to Special Master's December 29, 2016 Order Regarding the Production of Certain Vehicle Pricing Information from Certain Nonparty Original Equipment Manufacturers and Their Affiliated Entities and Modifying Order Regarding Discovery from Nonparty Original Equipment Manufacturer General Motors (the "Order")—which was entered on November 2, 2016, at Dkt. Nos. 1837 (redacted) and 1838 (sealed) on the Master Docket (2:12-md-02311) with reference to only two parts cases—in all End-Payor Actions, Auto Dealer Actions, and Truck and Equipment Dealer Actions, and State of Indiana Actions in this MDL, subject to certain conditions set forth below.

¹ The Serving Parties that join this motion include: End Payor Plaintiffs, Automobile Dealership Plaintiffs, Truck and Equipment Dealer Plaintiffs, and the State of Indiana. Defendants and General Motors LLC ("GM") take no position on this motion, and do not oppose this motion.

While the initial briefing on GM's Vehicle Pricing Documents (by the Parties and GM) was filed as relating to all parts cases, and as to all actions, the Order was entered only in certain parts dockets: Bearings – Dealership Actions, 2:12-cv-00502, Dkt. Nos. 249 (redacted) and 250 (sealed) and Anti-Vibrational Rubber Parts – Dealership Actions, 2:13-cv-00802 (Anti-Vibrational Rubber Parts – Dealership Actions), Dkt. Nos. 241 (redacted) and 242 (sealed).

The Parties submit that the Order should apply to all End-Payor Actions, Auto Dealer Actions, Truck and Equipment Dealer Actions, and State of Indiana Actions in this MDL, except for any such actions in which all named defendants either have been dismissed from the action by the Court or have been the subject of a preliminary order of approval of settlement entered by the Court (hereinafter, “the Subject Actions”), subject to these conditions: (1) the Serving Parties and GM maintain their rights to challenge the Order through reconsideration or other appropriate means upon entry of this Order; (2) each Serving Party in a Subject Action to which this Order shall apply will have access to GM's Vehicle Pricing Documents in that Subject Action, per the terms of the Order, upon entry of an order setting a class certification motion deadline applicable in that Subject Action, and not beforehand; (3) the Order does not limit protections afforded by any operative protective order, including the protection forbidding any individual expert, or member, partner, employee or agent of an expert consulting firm designated to undertake the engagement on behalf of the expert consulting firm, who is a current or former employee, including consultants, as of one year prior to the entry of any operative protective order through the period of time in which such protective order remains operative, of any party or entity which directly competes with, or is a customer of, or direct seller to, any of the Defendants in any action in this MDL, from accessing any GM Vehicle Pricing Information; and (4) any Serving Party seeking access to GM's Vehicle Pricing Information in a Subject Action shall provide GM

with a copy of the applicable order setting a class certification motion deadline in that Subject Action and represent that the Serving Party is still litigating the Subject Action and, in the case of a Defendant Serving Party, has not yet been dismissed from that Subject Action or been the subject of a preliminary order of approval of settlement entered by the Court in that Subject Action.

The Parties therefore request that the Court enter the [Proposed] Order Regarding Entry of the Order in the Master Docket of this MDL, which reflects the understanding set forth above. Pursuant to Local Rule 7.1(a), before filing this motion, the Parties ascertained that no party opposed this motion and obtained concurrence for the relief sought.

Date: April 16, 2018

Respectfully submitted,

/s/ Lucas Issacharoff

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